

OVERVIEW OF AMENDMENTS & REMARKS

1. SPECIFICATION: No amendments.
2. CLAIM CANCELLATION DUE TO RESTRICTION REQUIREMENT: Non-elected prior claims 11 - 34, and 36 - 50 of record under traverse have been canceled. See "SUPPLEMENTAL REQUEST FOR RECONSIDERATION OF RESTRICTION REQUIREMENT UNDER 37 CFR 1.143" mailed June 26, 1998 enclosed.
3. CLAIM AMENDMENTS: Prior claims of record 2, 3, 35, and 51.
4. FEE STATUS: (small entity) A total of \$2785 has been paid on the present application which results in an overpayment of \$2111 per this PRELIMINARY AMENDMENT C which now presents (6) independent claims, and (10) dependent claims for a total of (16) claims.

BASIC NATIONAL FEE	\$350
EXCESS CLAIM FEES PREVIOUSLY PAID:	\$2435
EXCESS CLAIM FEES NOW DUE:	\$324
independent claims in excess of three :	3 x \$41 = \$123
claims in excess of twenty:	6 x \$11 = \$66
multiple dependent claims:	\$135
OVERPAYMENT OF EXCESS CLAIM FEES	\$2111
5. REQUEST FOR REFUND OF OVERPAYMENT	\$2111

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CLAIM AMENDMENTS

Cancel the prior substitute and rewritten claims 11 - 34, and 36 - 50 of record without prejudice, and without disclaimer of the subject matter involved under traverse of restriction requirement.

Remaining claims 1 - 10, 35, and 51 - 55 are now presented for examination as follows:

No amendment of claim 1 of record:

1. A method of treating deep tissue, or systemic fungal diseases comprising:
administration to an area of disease a suitable carrier containing a primary anti-infective compound obtainable from capsicum pepper, or an equivalent in a therapeutically effective amount.

Amend claims 2 & 3 of record as follows:

2. A method of treating systemic fungal diseases selected from the group consisting of blastomycosis, coccidioidomycosis, entomophthoromycosis, or paracoccidioidomycosis comprising:
administration to an area of disease a suitable carrier containing a primary anti-infective agent obtainable from pepper, or an equivalent in a therapeutically effective amount.

3. A method of treating systemic fungal diseases selected from the group consisting of aspergillosis, candidiasis, cryptococcosis, or histoplasmosis comprising:

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systemic administration to an area of disease a suitable carrier containing a primary anti-infective agent obtainable from pepper, or an equivalent in a therapeutically effective amount.

No amendment of claims 4 - 10 of record:

4. A method of treating fungal infections of the mucosa comprising:

administration to an area of disease a suitable carrier containing a primary anti-infective agent obtainable from a pepper plant of the genus *Capsicum*, *Peperoma*, or species *Piper retrofractum*, *Piper longum*, or *Piper nigrum* in a therapeutically effective amount.

5. A method of treating the superficial manifestations of fungal disease in the areas of the body about the face, ear, mouth, neck, and below and deep tissue, or systemic fungal diseases comprising:

administration to the area of disease a suitable carrier containing a primary anti-infective agent obtainable from pepper, or an equivalent wherein a therapeutically effective amount is a concentration similar to oleoresin or less.

6. A method of treating the superficial manifestations of fungal disease or systemic fungal diseases comprising:

administration to the area of disease a suitable carrier containing a primary anti-infective agent obtainable from pepper, or an equivalent wherein a therapeutically effective amount is concentration within the range of ground spice or oleoresin.

7. A method as in any one of claims 5 or 6, wherein the disease is tinea pedis.

8. A method as in any one of claims 5 or 6, wherein the disease is tinea corporis.

9. A method as in any one of claims 5 or 6, wherein the disease is tinea cruris.

10. The method of claim 6, wherein the disease is tinea capitis.

Amend claims 35 & 51 of record as follows:

C² 35. A method as in any ~~one of~~ claims [20, or 21,] 1, or 4, wherein the disease is candidiasis.

C³ 51. A method as in any ~~one of~~ claims 1, or [19] 4, wherein said agent is a synthetic.

No amendment of claims 52 - 55 of record:

52. A method as in any one of claims 5, or 6, wherein said plant is a Capsicum.

53. A method as in any one of claims 5 or 6, wherein said agent is a capsaicinoid (Fig. 6) analog.


54. A method as in any one of claims 5, or 6, wherein said plant is *piperaceous*.

55. A method as in any one of claims 5, or 6, wherein said agent contains a piperidine (Fig. 8) constituent.

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No further amendments at this time.

Respectfully,

 6/26/98

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Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner of Patents and Trademarks, Washington, DC 20231" on June 26, 1998.

 6/26/98

Jeff J. Staggs, Applicant Date

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